

**Native American Heritage Commission
Tuolumne – Tribal Hall
April 8, 2009**

Minutes

Commissioners Present

Julie Tumanmait-Stenslie
Leslie Lohse

Staff Present

Larry Myers, Executive Secretary
Anthony Madrigal, Staff Counsel
Debbie Pilas-Treadway, Environmental Specialist III
Dave Singleton, Program Analyst

Closed Session

Discuss prospective litigation: Panhe, Playa Vista, UC San Diego, Mission San Juan Capistrano, Turner v Myers, and Turner V NAHC

Call to Order

1. Commissioner Tumanmait-Stenslie called the meeting to order and welcomed all those present. Commissioner Tumanmait-Stenslie reported that there was no quorum; therefore no action would be taken.
2. Robert Cox, Tuolumne Rancheria, gave the traditional opening
Commissioner Tumanmait-Stenslie reported no action taken in closed session.
3. Introduction of Commissioners and Staff.

Old Business

1. **Approval of May 28, 2008 Minutes**

No action taken, item held over to next meeting

2. **Report on Mission San Juan Capistrano**

Mr. Madrigal updated the Commission on the actions taken by staff on the motion passed by the Commission on 12/12/08 regarding the Rectory Garden project.

Request of an apology by the Mission

2/6/09 Father Holquin delivered a public apology at an event at the Mission. All Juaneno/Acjachemen groups attended

Request for recordation of cemetery and cultural resources protection plan and maps

The Mission has retained an archaeologist, Jack Williams, in 2008, to develop a strategy and protocols for management of sites. The Mission agreed that comprehensive maps and protocols for the management of sites were needed. The Mission indicated that due to financial constraints, it may be difficult to complete the plan in the time requested; however, Dr. Williams and mission staff will start gathering documents from the City and begin work over the next several weeks.

Why the City of San Juan Capistrano did not issue fines or penalties?

Mr. Madrigal met with the City Attorney, Mr. Omar Sandoval, on 2/18/09. The City Attorney said that the city did not condone what the Mission did and that the City Council made that point clear to Father Holquin. According to the City Attorney, the city's policy is to first attempt to bring the project into compliance with codes and regulations to ensure public safety, rather than pursue the issuance of fines or penalties. The Mission cooperated with the City's request and complied with the City's requirements and obtained the proper permits. The City's takes the position that compliance is best achieved by issuing a stop work order and then directing and overseeing the compliance. The City takes the position that prosecution seeking the

issuance of a fine or penalty will not always result in compliance, since a fine can be paid without bringing the project into compliance.

The City Attorney indicated he has sole prosecutorial discretion to charge a misdemeanor and he was not inclined to do so in this case as the Mission had complied with all city requests.

The City Attorney indicated that the Mission was not handled any differently than other code violators.

3. Report on Bolsa Chica

Mr. Madrigal updated the Commission on the actions taken by staff on the motion passed by the Commission on 12/12/08 regarding the development at Bolsa Chica Mesa

Goodell Parcel

NAHC staff will continue to consult with the City of Huntington Beach and monitor the application for annexation and pre-zoning. NAHC will comment on any Mitigated Negative Declaration to be issued. NAHC staff will continue to consult with local tribes, the City, and other interested parties. The Bolsa Chica Land Trust has indicated that they want to consult with local tribes to preserve or acquire the site. The Bolsa Chica Land Trust would like to work with the Juaneno/Acjahemem and Gabrieleno/Tongva people to assist to develop interpretative programs of the Bolsa Chica site.

5 Ace Parcel owned by Signal Landmark/Hearthside

NAHC staff will continue to consult with the City of Huntington Beach and monitor the application and comment on any environmental documents and also facilitate consultation with Native American tribes.

Hearthside Homes compliance with special condition 23 of Costal Development Permit 5-05-020

1/12/09 the Costal Commission determined and notified Hearthside Homes that to carry out the proposed final reburial from ORA-83 without sorting, documenting and rebury the human remains contained within the 5600 bags of material would be inconsistent with Special Condition 23 of the Costa Development Permit 5-05-020, as well as the action taken by the NAHC on 12/12/08.

1/30/09 the Costal Commission directed Hearthside Homes to a comprehensive single final reburial of all remaining human remains and grave goods.

Hearthside Homes agreed to comply with the Costal Commission directive of 1/30/09 and began the sorting process the week of 2/16/09.

Brightwater

NAHC staff will continue to consult with the City of Huntington Beach and support and monitor local tribal consultation on the Bridgewater Specific Plan. NAHC staff will be available to facilitate local tribal consultation. NAHC staff has advised the City of Huntington Beach that consultation is required and that the City should reopen consideration of the Specific Plan for this purpose. The City has agreed to initiate SB 18 consultation

4. Report on San Francisco Peaks Case

Mr. Madrigal reported that on 1/6/09 the Navajo Tribe and other tribal plaintiffs filed petition for review before the U.S. Supreme Court. If the Supreme Court grants certiorari there will be opportunity to file an amicus brief.

The NAHC submitted a Governor's Office Action Request for approval to file an amicus brief to the Resources Agency on March 5, 2009. The Request has been forwarded from the Resources Agency and is now at the Governor's office.

5. Report on Transportation Corridor Agency (TCA-Toll Road)

Mr. Singleton reported that Jerry Amante, TCA Chairman, invited NAHC staff to meet with the TCA staff to discuss the growing traffic problem in south Orange County and to assist in facilitating tribal consultation.

Staff meet with TCA staff, members of the Juaneno tribal groups and the UCPP to begin information gathering and the identification of issues.

The TCA staff requested a new list of Native American contacts for southern Orange and northern San Diego counties. The TCA has pledged that all tribes/persons/organizations on the list would be contacted and meet in the planning process.

6. Report on Renewable Energy Technology Initiative (RETI) and Renewable Energy Action Team (REAT)

Mr. Singleton reported that the NAHC was part of Inter-Agency team and was able to get a mandate that both federal and non-federal recognized tribes would be consulted in the planning of electrical transmission corridors and is codified in the Ca Public Resources code 2533(a) and 25334(b)(c).

RETI is a statewide initiative to help identify the transmission projects needed to accommodate these renewable energy goals, support future energy policy, and facilitate transmission corridor designation, generation siting and permitting. RETI will be an open and transparent collaborative process in which all interested parties are encouraged to participate. RETI is an advisory body forgoing conceptual renewable energy generation facilities and conceptual transmission corridors. RETI has no permitting authority and possesses no authority to determine the need for specific facilities or to determine the exact routes of transmission lines. However, its conceptual plans influence those specific project plans.

REAT authorizes 3 MOU's between Federal and State agencies with an aim to streamline the permitting process and it is important that tribes are included in the process.

New Business

1. California Native People, Governments & Cultural Exhibit

Chairman Martin, Morongo Band of Mission Indians, gave a presentation on the California Native American Comprehensive Exhibit and Education Program. The museum would partner with the Native American community to identify and create an inclusive structure for the purpose of developing content and creating program. The proposed exhibit may include artifacts, photos, text panels, timelines, hand-on activities and video productions. The goal would be to gain an awareness of and appreciation for the Native American culture through a variety of fun and accessible programs.

2. Stimulus Money and Possible Impacts to the Indian Community

Ms Tamez presented information of possible stimulus money available to the Native American Community. It is very important that tribes talk with the local agencies. They are going to be the ones receiving the money for these types of projects. They are looking for "shovel ready" projects that will put people to work immediately.

The National Congress of the American Indian website will provide information such as forums and conference calls for tribal leaders. Ms. Tamez also recommended the Indian Country Works website. Both sites are focusing on helping putting Indian Country to work.

3. Next Commission Meeting

No action taken

4. Legislation

No action taken - no quorum

Meeting Adjourned

Approved,

Respectfully Submitted,

James Ramos, Chairperson

Debbie Pilas-Treadway
Environmental Specialist II